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# Fax

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From: Sanjay Bagade, Reg. No. 42,280  
Asthmatx Inc.

Fax: (703) 872-9306

Date: December 15, 2004

Phone:

Pages: 4 (including coversheet)

Re:

**REQUEST FOR REFUND**  
**OFFICIAL FILING**

Application No.: 09/436,455  
Examiner: D. Shay  
Art Unit: 3739  
Inventor(s): Christopher J. DANEK et al.  
Filed: November 8, 1999  
For: DEVICES FOR MODIFICATION OF AIRWAYS BY  
TRANSFER OF ENERGY  
Attorney Docket No.: 435712000921

**Comments:**

Papers enclosed herewith:

1. Transmittal Form – 1 page
2. Request for Refund – 1 page
3. Copy of November 2004 Deposit Account Statement – 1 page

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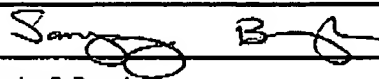
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/438,455	
	Filing Date	November 8, 1999	
	First Named Inventor	Christopher J. DANEK	
	Art Unit	3739	
	Examiner Name	D. Shay	
Total Number of Pages in This Submission	4	Attorney Docket Number	435712000921

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Terminal Disclaimer	Copy of November 2004 Deposit Account Statement (1 page)
	<input checked="" type="checkbox"/> Request for Refund	Fax Cover Sheet
	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Asthmatx, Inc. (Customer No. 41,728)		
Signature			
Printed name	Sanjay S. Bagade		
Date	December 15, 2004	Reg. No.	42,280

CERTIFICATE OF TRANSMISSION/MAILING	
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Signature	
Typed or printed name	Sanjay S. Bagade
Date	December 15, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Attorney Docket No.: 435712000921

On: December 15, 2004

By:   
Sanjay S. Bagade

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Christopher J. DANEK et al.

Application No.: 09/436,455

Filed: November 8, 1999

For: DEVICES FOR MODIFICATION OF  
AIRWAYS BY TRANSFER OF ENERGY

Examiner: D. Shay

Art Unit: 3739

REQUEST FOR REFUND  
UNDER 37 C.F.R. 1.26

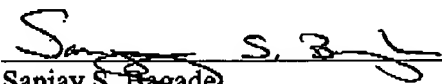
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Sir:

A Notice of Appeal was filed on November 11, 2004 with an authorization to charge the Deposit Account the small entity fee of \$170.00. Upon review of the November 2004 Deposit Account statement, it was discovered that a fee of \$340.00 was mistakenly charged (copy attached). Accordingly, Applicants respectfully request a refund in the amount of \$170.00 to be credited to Deposit Account Number 503051 referencing Attorney Docket No. 435712000921.

Respectfully submitted,

December 15, 2004  
Date

  
Sanjay S. Bagade  
Reg. No. 42,280  
Asthmatx, Inc.  
1340 Space Park Way  
Mountain View, CA 94043  
(650) 810-1106



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**Deposit Account Statement**

**Requested Statement Month:** November 2004  
**Deposit Account Number:** 503051  
**Name:** ASTHMATX, INC  
**Attention:** SANJAY BAGADE  
**Address:** 1340 SPACE PARK WAY  
**City:** MOUNTAIN VIEW  
**State:** CA  
**Zip:** 94043

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/02	1	09999851	435712000923	2252	\$215.00	\$2,697.00
11/09	3	60625256	A009P	2005	\$80.00	\$2,617.00
11/17	163	60627662	A010P	2005	\$80.00	\$2,537.00
→ 11/18	2	09436455	435712000921	1401	\$340.00	\$2,197.00
11/18	3	09436455	435712000921	1253	\$490.00	\$1,707.00
11/29	21	10954895	A-008-000	2051	\$65.00	\$1,642.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$2,912.00	\$1,270.00	\$ .00	\$1,642.00

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